

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Resolution ALJ-370  
Administrative Law Judge Division

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**RESOLUTION**

RESOLUTION ALJ-370. Resolves Proceeding K.19-07-008, the Appeal of Xiaohui Yu, doing business as Super Blvd. LLC, from Citation F-5569 issued by the Transportation Enforcement Branch, Consumer Protection and Enforcement Division.

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This Resolution resolves proceeding K.19-07-008, the Appeal of Xiaohui Yu doing business as Super Blvd. LLC (Appellant), from Citation F-5569 issued by the California Public Utilities Commission's (Commission) Consumer Protection and Enforcement Division (CPED). CPED's motion to dismiss the appeal for lack of any issues in dispute, dated July 29, 2019, is granted.

The Commission regulates charter-party carriers of passengers pursuant to the Passenger Charter-party Carriers' Act (Pub. Util. Code § 5351, et seq.). Pursuant to Resolution ALJ-187, issued by the Commission on September 22, 2005, CPED<sup>1</sup> is authorized to issue citations to various classes of transportation carriers for violation of the Public Utilities Code and/or Commission orders. In turn, a carrier issued such a citation may accept the fine imposed or contest it through a process of appeal pursuant to Resolution ALJ-299.<sup>2</sup>

On June 19, 2019, CPED issued citation F-5569 against Appellant. On July 7, 2019, Appellant filed an appeal of citation F-5569, contesting CPED's calculation of Appellant's gross revenue and an associated fee. On July 12, 2019, Appellant signed a

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<sup>1</sup> ALJ-187 confers authority to issue citations on the Commission's Consumer Protection and Safety Division, currently known as the Consumer Protection and Enforcement Division.

<sup>2</sup> The Commission issued Resolution ALJ-299 on July 2, 2014 for application beginning on January 1, 2015.

Citation Compliance Agreement, agreeing to pay a penalty of \$2,000 pursuant to citation F-5569. Appellant did not file a response to CPED's motion.

We find the Citation Compliance Agreement resolves all disputed issues in this proceeding, and grant CPED's motion to dismiss the appeal. This proceeding is closed.

### **REGULATORY AUTHORITY**

The Commission has authority to regulate transportation utilities. Dismissal of this citation appeal due to Appellant's agreement to pay a penalty of \$2,000 per the Citation Compliance Agreement is consistent with the Commission's authority to ensure that transportation utilities are meeting their regulatory obligations.

### **COMMENTS**

No public review or comment is required for this Resolution pursuant to Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure.

### **ASSIGNMENT OF PROCEEDING**

Zita Kline is the assigned Administrative Law Judge to this citation appeal.

**IT IS ORDERED** that:

1. The Consumer Protection and Enforcement Division's motion, dated July 29, 2019, to dismiss Xiahui Yu doing business as Super Blvd. LLC's appeal from Citation F-5569 is granted.
2. The appeal of Xiaohui Yu doing business as Super Blvd. LLC from Citation F-5569, issued by the California Public Utilities Commission's Consumer Protection and Enforcement Division, is dismissed with prejudice.
3. This proceeding is closed.

This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held on \_\_\_\_\_, the following Commissioners voting favorably thereon:

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ALICE STEBBINS  
Executive Director